

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 33075 of 2006(K)

PETITIONER:

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1. K.C.JOSE @ SHAJAN,
AGED 40, S/O.CHACKO, KAYAPLACKAL HOUSE,
CHENNAD KARA, POONJAR THEKKEKARA VILLAGE,
ERATTUPETTA.
 2. K.C.SANTHOSH, AGED 28,
S/O.CHACKO, KAYAPLACKAL HOUSE, CHENNAD KARA,
POONJAR THEKKEKARA VILLAGE, ERATTUPETTA.
 3. K.C.THOMAS @ PRAKASH,
AGED 36, S/O.CHACKO, KAYAPLACKAL HOUSE,
CHENNAD KARA, POONJAR THEKKEKARA VILLAGE,
ERATTUPETTA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY ITS SECRETARY (CO-OPERATION),
SECRETARIAT, THIRUVANANTHAPURAM.
 2. REGISTRAR OF CO-OP. SOCIETIES,
KERALA,
THIRUVANANTHAPURAM.
 3. SPECIAL SALE OFFICER,
MEENACHIL EAST URBAN CO-OP. BANK LTD. NO. 4266,
POONJAR THEKKEKARA, MEENACHIL TALUK.
 4. MEENACHIL EAST URBAN CO-OP.BANK LTD.
NO.4266, POONJAR THEKKEKARA,
REP. BY ITS SECRETARY

ADDL.5TH RESPONDENT IMPEADED :

5.CHACKO, KAYAPLACKAL HOUSE, CHENNAD KARA,
POONJAR THEKKEKARA VILLAGE, ERATTUPETTA.
(IMPEADED AS PER ORDER DT. 1.2.2007 IN I.A.1417/07)

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) NO.33075/06

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF REMITTANCE SLIP DT. 13.2.2004 FOR RS.15,000/-

EXT.P1A -DO- DATED 20.2.2004 FOR RS.5,000/-

EXT.P1B -DO- DT. 27..2..004 FOR RS.10,000/-

EXT.P1C -DO- DT. 20.3.2004 FOR RS.10,000/-

EXT.P1D -DO- DT. 3.11.2004 FOR RS.10,000/-

EXT.P2 : TRUE COPY OF AUCTION NOTICE DT. 6.5.2005.

EXT.P3 : TRUE COPY OF AUCTION NOTICE DT. 19.8.2005.

RESPONDENTS' EXHIBITS :

EXT.R4A TRUE COPY OF THE APPLICATION DT. 28.2.2004 SUBMITTED BY THE PETITIONERS' FATHER.

TGS

KURIAN JOSEPH J.

W.P.(C) No.33075 of 2006

Dated 27th July, 2007.

J U D G M E N T

Recovery steps were initiated at the instance of the 4th respondent Bank for recovery of dues from the 5th respondent. Recovery steps have culminated in the sale of the property of the 5th respondent. Though notice is served on the 5th respondent, there is no appearance. Petitioners are the children of the 5th respondent. It is submitted that they are prepared to clear the liability. It is for the petitioners to approach the 4th respondent Bank and in case the liability is cleared within one month from today, the sale shall stand set aside. It is submitted that the 5th respondent had already conveyed the property to the petitioners. Therefore, it is made clear that in case the petitioners clear the liability, the documents shall be returned to them.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 27th July, 2007.